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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,314	06/08/2001	Lothar Wenzel	5150-53101	9350

7590 10/23/2002

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EXAMINER

LAU, TUNG S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,314

Applicant(s)

WENZEL ET AL.

Examiner

Tung S Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claims 1-4, 8-15, 19-21, 23-26 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (U.S. Patent 4,628,468) in view of Franck et al. (U.S. Patent 6,351,662) and Ring et al. (U.S. Patent 6,244,510)

Thompson discloses a method for scanning an object within a geometry region for determining one or more characteristics of the object, generating output to indicate that characteristic (fig. 1-6, col. 1, lines 6-15, col. 4, lines 54-64), included a sensor, a computer, a CPU, a memory medium containing program (fig. 1-6), can determine characteristic prior generating scan (see abstract), process of data (fig. 1),

Thompson does not disclose the system is a conformal scan type, and geometry mapping, Ring discloses such application with conformal scan type (col. 7, lines 45-60) to be able to rotate with the scan while improving viewing angles and increase scanning accuracy and reliability (col. 1, lines 57-64). Franck et al

Art Unit: 2863

disclose the application with geometry mapping, with subset of points and data (fig. 4) to determine the exact location in one, two and three dimensional space coordinate system (col. 3-4, lines 55-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thompson to have the geometry mapping and application with subset of points and data as taught by Franck and Ring in order to determine the exact location in one, two and three dimensional space coordinate system and be able to rotate with the scan while improving viewing angles and increase scanning accuracy and reliability.

b. Claims 22, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al., Franck et al. and Ring et al. as applied to claims 1-4, 8-15, 19-21, 23-26 and 30-32, and further in view of Sakamoto (U.S. Patent 4,511,989).

Thompson et al., Franck et al. and Ring et al disclose a method including the subject matter discussed above except the analysis in dimensionality greater than three.

Sakamoto disclose the analysis in dimensionality greater than three, to have a simple and quick processing performance result (col. 5, lines 1-35).

Art Unit: 2863

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thompson to have the analysis in dimensionality greater than three as taught by Sakamoto in order to have a simple and quick processing performance result.

c. Claims 5, 16, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al., Franck et al. , Ring et al and Sakamoto as applied to claims 1-4, 8-15, 19-26, 22, 33, and 30-32, and further in view of Walsh et al. (U.S. Patent 4,231,661).

The Thompson combination disclose a method including the subject matter discussed above except the analysis have minimizes the angle of deviations. Walsh disclose the analysis have minimizes the angle of deviations (col. 8-9, lines 48-4), for differential light analysis condition (col. 2, lines 35-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thompson to have minimizes the angle of deviations as taught by Sakamoto in order to use under differential light analysis condition.

d. Claims 6, 7, 17, 18, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al., Franck et al. , Ring et al ,Sakamoto and

Art Unit: 2863

Walsh et al as applied to claims 1-4, 8-15, 19-26, 5, 16, 22, 33, 27 and 30-32, and further in view of Toraichi (U.S. Patent 5,572,605).

The Thompson combination disclose a method including the subject matter discussed above except has the maximum curvature and optimum curve for the scanning.

Toraichi disclose the maximum curvature and optimum curve for the scanning. (col. 49, lines 12-16), to compress data and reproducing in any size at any position (col. 2-3, lines 19-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thompson to have the maximum curvature and optimum curve for the scanning as taught by Toraichi in order to use to compress data and reproducing in any size at any position.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Application/Control Number: 09/877,314


Page 6

Art Unit: 2863

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TL

September 30, 2002


John Barlow
Supervisory Patent Examiner
Technology Center 2800